

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

NOEL NUNN,

Plaintiff

v.

SPECIAL PUBLIC DEFENDERS OFFICE,

Defendant

Case No. 3:24-cv-00064-MMD-CLB

**ORDER**

**I. DISCUSSION**

On February 7, 2024, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff did not include an application to proceed *in forma pauperis* or pay the filing fee.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$405 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

Accordingly, the Court denies Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1) without prejudice because the application is incomplete. The Court will grant Plaintiff a **one-time extension** to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents. Plaintiff will file a fully complete

1 application to proceed *in forma pauperis* on or before **Friday, March 8, 2024**. Absent  
 2 unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff  
 3 does not file a fully complete application to proceed *in forma pauperis* with all three  
 4 required documents on or before **Friday, March 8, 2024**, this case will be subject to  
 5 dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff is  
 6 able to acquire all three of the documents needed to file a fully complete application to  
 7 proceed *in forma pauperis* or pays the full \$405 filing fee.

8 A dismissal without prejudice means Plaintiff does not give up the right to refile the  
 9 case with the Court, under a new case number, when Plaintiff has all three documents  
 10 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff  
 11 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
 12 full filing fee of \$405 on or before **Friday, March 8, 2024** to proceed with this case.

13 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1) but the Court  
 14 will not file the complaint unless and until Plaintiff timely files a fully complete application  
 15 to proceed *in forma pauperis* with all three documents or pays the full \$405 filing fee.

## 16 **II. CONCLUSION**

17 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed  
 18 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete  
 19 application to proceed *in forma pauperis* with all three documents.

20 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the  
 21 approved form application to proceed *in forma pauperis* by an inmate, as well as the  
 22 document entitled information and instructions for filing an *in forma pauperis* application.

23 IT IS FURTHER ORDERED that on or before **Friday, March 8, 2024**, Plaintiff will  
 24 either pay the full \$405 filing fee for a civil action (which includes the \$350 filing fee and  
 25 the \$55 administrative fee) or file with the Court:

- 26 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
 27 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
 28 signatures on page 3),

- 1 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
2 official (i.e. page 4 of this Court's approved form), and  
3 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
4 **previous six-month period.**

5 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
6 application to proceed *in forma pauperis* with all three documents or pay the full \$405  
7 filing fee for a civil action on or before **Friday, March 8, 2024**, this case will be subject to  
8 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case  
9 number, when Plaintiff has all three documents needed to file a complete application to  
10 proceed *in forma pauperis* or pays the the full \$405 filing fee.

11 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
12 (ECF No. 1-1) but will not file it at this time.

13 DATED: February 8, 2024.

14   
15 \_\_\_\_\_  
16 UNITED STATES MAGISTRATE JUDGE  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28